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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 IN THE EX PARTE MATTER OF:

Case No. 3:19-mc-05019-BHS

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11 MARIA DEL ROSARIO GANTUS DIAZ  
12 A215-937-665

EMERGENCY EX PARTE ORDER  
TO PROVIDE INVOLUNTARY  
MEDICAL TREATMENT

13 **FILED UNDER SEAL**

14 The United States Department of Homeland Security, Immigration and Customs  
15 Enforcement (hereinafter "ICE"), by and through the United States Attorney for the Western  
16 District of Washington, has filed an ex parte motion for an order permitting ICE to immediately  
17 provide involuntary medical monitoring, testing, and, if deemed medically necessary to prevent  
18 irreparable injury, intravenous hydration for Maria Del Rosario Gantus Diaz, File No. A215-937-  
19 665, who is currently being held as a civil detainee at the Northwest Detention Center in  
20 Tacoma, Washington.  
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22 Based on the declaration of Dr. Sheri Malakhova and Supervisory Detention and  
23 Deportation Office Remely A. DelaPaz, the Court finds there is sufficient cause to believe that  
24 without the requested medical testing and treatment, Ms. Gantus Diaz is in danger of irreparable  
25 injury, and possible death.

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2 Therefore, IT IS HEREBY ORDERED that ICE may undertake necessary medical  
3 treatment and testing to save Ms. Gantus Diaz's life and prevent injury to her, including:

- 4 1. Involuntary hydration through an intravenous line as medically necessary;
- 5 2. Physical examination with daily weight assessments and frequent vital sign checks;
- 6 3. Laboratory tests at least every 24 – 72 hours, consisting of:
  - 7 a. Complete metabolic panel. This test reveals an increase in markers of kidney  
8 function in view of any renal injury. The panel tests include: BUN (blood  
9 urea nitrogen), creatinine level, urinalysis, and proteins. It also reveals  
10 electrolyte disturbances as potassium, phosphate, magnesium and glucose  
11 levels can lead to heart arrhythmias.
  - 12 b. Complete blood count. This test reveals the hemoglobin level.
  - 13 c. Hemoglobin A1C. This test indicates how long the blood sugar has been in an  
14 elevated state and correlates with medical complications.
  - 15 d. Urinalysis, which reveals the presence of ketones, blood and crystals in the  
16 urine.
  - 17 e. Magnesium and phosphate levels to assess deficiency affecting heart health.
  - 18 f. Electrocardiogram, if the patient shows an abnormal potassium, is necessary  
19 to treat conditions which can lead to lethal arrhythmias.
  - 20 g. Creatine kinase (CK), is an enzyme found inside muscle cells and should be  
21 measured as it is released into the blood, when the muscle cells rupture. The  
22 increase in CK as a result of the destruction of muscle tissue can lead to acute  
23 renal failure and death.

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2 h. Pre-albumin levels. Pre-albumin is used as a marker for nutritional status  
3 evaluation, and levels will decrease over time the longer a patient fails to  
4 consume adequate nutrition. The pre-albumin level correlates with patient  
5 morbidity and mortality risk. Normal pre-albumin is 15-35 mg/dL. When  
6 pre-albumin falls to 5-11 mg/DL, significant morbidity risks exist and  
7 aggressive nutritional support is necessary.

8 IT IS HEREBY FURTHER ORDERED that if Ms. Gantus Diaz continues to refuse the  
9 necessary medical treatment and monitoring, ICE and medical staff at the Northwest Detention  
10 Center may use soft medical restraints to assure the safety of Ms. Gantus Diaz and the medical  
11 staff when administering the necessary treatment.

12 IT IS HEREBY FURTHER ORDERED that ICE shall submit a status report to the Court  
13 on Ms. Gantus Diaz's condition **by 2:00 p.m. on Monday, June 24, 2019.**

14 ICE is directed to provide a copy of this order to Ms. Gantus Diaz forthwith.

15 DATED this 20th day of June, 2019.

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BENJAMIN H. SETTLE

21 United States District Judge

22  
23 Presented by:

24 BRIAN T. MORAN  
25 United States Attorney

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